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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,782	12/19/2005	Jie Wu	PTB-659-109	5856
23117 7590 02/10/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
SOOHOO, TONY GLEN				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
02/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,782

Applicant(s)

WU ET AL.

Examiner

Tony G. Soohoo

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date 8/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The copies of the certified copy has been filed in PCT/AU04/00786, filed on 06/15/2004 of this national stage application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims 1-2 appears to be incomplete to which it refer to a secondary jet flow, but is vague and unclear in where the flow exists and from where it is provided within the device. Additionally, the recitation of a secondary jet flow, there fails to positively establish a (primary or 1st) jet flow.

Claim 3 recited "the jet flow" but is unclear in antecedent basis or reference to a primary jet flow, or the secondary jet flow.

Claim 5 recites a control assembly of speed control but is vague in the manner fail to provide sufficient structure to support the narrative function of a "speed governor". It is unclear and vague in the claim how the speed is determined and regulated and controlled by the control "assembly". The meets and bounds of the "assembly" structure can not be positively determined in the claim.

Claim 7 is unclear in what further structural adaptation is meant by "adapted to feed fluid into a tank" since all nozzles have an opening which may permit flow into a tank

Claim 7 fails to provide proper antecedent basis for "the output" it is unclear what is being output.

Claim 8 points out a relative position of the gear to the output, however the claim fails to point out any output and relative structure to determine an axis so that one may construct a "coaxially" position to the output.

Claim 9 is unclear in the manner in which a gear may be connected to the flow resistance of the paddle assembly since the claim does not clearly establish any particular location of the paddle in cooperation with fluid.

Claim 10 is unclear in what further structure is being defined to the nozzle. The preceding claims point out that flow may be provided to the nozzle and that the nozzle is capable to rotate. It is unclear in what structure is the further defined "adapted to" in claim 10 in contradistinction to that of the parent claims.

Claim 12 is so vague that the meets and bounds of the claimed dimension of patent protection can not be determined. The claim fails to particularly point out the service hole dimension nor the device dimension, it is unclear what numerical value is capable or excluded to operate in the manner recited of "pass through".

5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the

steps. See MPEP § 2172.01. The omitted steps are: Claim 13 provides for a step of passing the device, however fails to provide positives step of providing the device itself..

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by
Seaman 6488401.

Seaman discloses a jet device having, for example fig 1a-1b, fig 11a-11b, having an outlet 1012, 119, having a rotating nozzle 331 (or 188, figure 18a, 18b), a control assembly with a hydraulic motor, see figures, including a paddle assembly 114, 1004 which is driven by a diverted secondary jet flow from the conduit 1003, fig 1; and functions as a speed governor by the flow resistance upon the input and output sides of the paddle in cooperation with the gears 115, fig 11a, having gears in coaxial with an output. The nozzle is adapted to rotation from flow momentum, such as seen in figure 18a, nozzle 188. The nozzle is offset from a housing as seen in figure 11b, or 18b. It is also sized so that it may be placed into a tank (through its opening).

Regarding claim 13, note that the device is meant to be placed into a tank. A would inherently have an opening in which the device may be placed there though so it may reside in the tank for use.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following disclose jet devices: Maitland 1505479, Hummer 7059759, and Byers 5899560.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 8AM-5PM, Tues-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tony G Soohoo/
Primary Examiner, Art Unit 1797

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Primary Examiner
Art Unit 1797